

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUAN FRANCISCO GONZALEZ NIEVES AS	:
TRUSTEE OF THE GONZALEZ CORONADO	:
TRUST, individually and on behalf of all others	:
similar situated,	:
	:
Plaintiff,	:
	:
- against -	:
	:
KEVIN DAVIS and AMIR ROSENTHAL,	:
	:
Defendants.	:
-----X	

Case No. 1:16-cv-03591-GHW

**NOTICE OF JOINT MOTION BY DEFENDANTS  
KEVIN DAVIS AND AMIR ROSENTHAL TO  
DISMISS THE SECOND AMENDED COMPLAINT**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the Declaration of Jason C. Rubinstein and the exhibits annexed thereto, and all other papers and proceedings herein, Defendants Kevin Davis and Amir Rosenthal, by and through their attorneys, hereby respectfully move this Court, before the Honorable Gregory H. Woods, United States District Judge, United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Room 2260, New York, New York 10007, for an Order, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6) and the Private Securities Litigation Reform Act, dismissing Plaintiff's Second Amended Complaint on a date and at a time to be set by the Court.

PLEASE TAKE FURTHER NOTICE that pursuant to Order of the Court entered June 16, 2017 [ECF No. 113], Plaintiff's opposition to this motion is due no later than July 24,

2017, and Defendants' consolidated reply in further support of this motion is due within three weeks after service of Plaintiff's opposition.

Dated: New York, New York  
June 22, 2017

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